

## Article - Criminal Procedure

§12–101.

- (a) In this title the following words have the meanings indicated.
- (b) “Chief executive officer” means:
  - (1) for Baltimore City, the Mayor;
  - (2) for a charter county, the county executive or, if there is no county executive, the county council;
  - (3) for a code county, the county commissioners or county council;
  - (4) for a county commissioner county, the county commissioners; or
  - (5) for a municipal corporation, the legislative body established by municipal charter.
- (c) “Controlled Dangerous Substances law” means Title 5 of the Criminal Law Article.
- (d) “Convicted” means found guilty.
- (e) “Final disposition” means a dismissal, entry of a nolle prosequi, the marking of a criminal charge “stet” on the docket, entry of a not guilty verdict, the pronouncement of sentence, or imposition of probation under § 6-220 of this article.
- (f) “Forfeiting authority” means:
  - (1) the unit or person designated by agreement between the State’s Attorney for a county and the chief executive officer of the governing body having jurisdiction over assets subject to forfeiture to act on behalf of the governing body regarding those assets; or
  - (2) if the seizing authority is a unit of the State, a unit or person that the Attorney General or the Attorney General’s designee designates by agreement with a State’s Attorney, county attorney, or municipal attorney to act on behalf of the State regarding assets subject to forfeiture by the State.
- (g) “Governing body” includes:
  - (1) the State, if the seizing authority is a unit of the State;
  - (2) a county, if the seizing authority is a unit of a county;
  - (3) a municipal corporation, if the seizing authority is a unit of a municipality; and

(4) Baltimore City, if the seizing authority is the Police Department of Baltimore City.

(h) “Lien” includes a mortgage, deed of trust, pledge, security interest, encumbrance, or right of setoff.

(i) “Lienholder” means a person who has a lien or a secured interest on property created before the seizure.

(j) “Local financial authority” means:

(1) if the seizing authority is a unit of a county, the treasurer or director of finance of the county; or

(2) if the seizing authority is a unit of a municipal corporation, the treasurer or director of finance of that municipal corporation.

(k) (1) “Owner” means a person having a legal, equitable, or possessory interest in property.

(2) “Owner” includes:

(i) a co-owner;

(ii) a life tenant;

(iii) a remainderman to a life tenancy in real property;

(iv) a holder of an inchoate interest in real property; and

(v) a bona fide purchaser for value.

(l) “Proceeds” includes property derived directly or indirectly in connection with or as a result of a crime under the Controlled Dangerous Substances law.

(m) (1) “Property” includes:

(i) real property and anything growing on or attached to real property;

(ii) tangible and intangible personal property, including:

1. securities;

2. negotiable and nonnegotiable instruments;

3. vehicles and conveyances of any type;

4. privileges;

5. interests;
6. claims; and
7. rights;

(iii) an item, object, tool, substance, device, or weapon used in connection with a crime under the Controlled Dangerous Substances law; and

(iv) money.

(2) "Property" does not include:

(i) an item unlawfully in the possession of a person other than the owner when used in connection with a crime under the Controlled Dangerous Substances law; or

(ii) a lessor's interest in property subject to a bona fide lease, unless the forfeiting authority can show that the lessor participated in a crime under the Controlled Dangerous Substances law or that the property was the proceeds of a crime under the Controlled Dangerous Substances law.

(n) (1) "Real property" means land or an improvement to land.

(2) "Real property" includes:

(i) a leasehold or other limited interest in real property;

(ii) an easement; and

(iii) a reversionary interest in a 99-year ground lease renewable forever.

(o) "Seizing authority" means a law enforcement unit in the State that is authorized to investigate violations of the Controlled Dangerous Substances law and that has seized property under this title.